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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 MOODY W. TANKSLEY,

No. CIV S-08-2881-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 CDC-SALINAS, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Plaintiff has not, however, filed a complete application to proceed in forma
19 pauperis, along with a certified copy of his prison trust account statement for the six-month
20 period immediately preceding the filing of the complaint, or paid the required filing fee. See 28
21 U.S.C. §§ 1914(a), 1915(a), (a)(2). Plaintiff's application filed on December 16, 2008, does not
22 include the required certified trust account statement. Plaintiff states on his form application that
23 "[o]fficers prison trust persons are along with the plaintiff are in conflict." Plaintiff does not
24 state, however, the nature of this conflict or why it prevents him from complying with the court's
25 previous order to submit a completed application along with the required trust account statement.

26 Plaintiff's applications filed on January 5, 2009, also do not include the required

1 certified trust account statement. In one of the latest form applications, plaintiff states: "Prison
2 trust officer staff please mail all these court document upon the completion of forms. . . ." In the
3 other application, he states: "Prison authorities are badly in conflict due to my filing civil
4 complaints on this prison. . ." and he asks the court to obtain the required certification by
5 telephone. Plaintiff is advised, however, that it is his responsibility to provide the required
6 documents to the court.

7 Plaintiff will be provided one final opportunity to submit either a completed
8 application to proceed in forma pauperis or the appropriate filing fee. As the court previously
9 advised plaintiff, if prison officials are thwarting his ability to obtain the required certified trust
10 account statement, plaintiff shall so state and describe what efforts he has made to obtain the
11 trust account statements and prison officials response(s) to those efforts. Plaintiff is warned that
12 failure to resolve the fee status of this case within the time provided may result in the dismissal
13 of this action for lack of prosecution and failure to comply with court rules and orders. See Local
14 Rule 11-110.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Plaintiff shall submit on the form provided by the Clerk of the Court,
17 within 30 days from the date of this order, a complete application for leave to proceed in forma
18 pauperis, with the required certified copy of his prison trust account statement, or the appropriate
19 filing fee; and

20 2. The Clerk of the Court is directed to send plaintiff a new form Application
21 to Proceed In Forma Pauperis By a Prisoner.

22
23 DATED: January 14, 2009

24 
25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE